

Delete § 224-50

Delete § 224-51B

Add § 224-51B as follows:

B. Broadway buffer.

- (1) For existing lots, the area located outside the Business District and within 50 feet of the Broadway right of way shall be designated the Broadway buffer and shall be governed by the provisions of this subsection to the extent they are more restrictive than other applicable provisions of this chapter. Any additional structures or intrusions (extensions) into the Broadway buffer shall be permitted only by a variance obtained from the Zoning Board of Appeals and conditioned upon the planting of evergreen and deciduous plantings. No variance from the provisions of this section may be granted unless the requirements of § 224-97 are satisfied and, as a condition of such variance, the applicant and his or her successors in interest are required to install and maintain such evergreen and deciduous plantings and landscaping as, in the judgment of the Zoning Board of Appeals, shall be necessary to screen the building or other structure within the Broadway buffer.
- (2) For new lots created by new subdivisions, tear downs, or any development involving a modification of more than 50% of an existing structure subsequent to the enactment of this law, the Broadway buffer shall be 125 feet, and shall be measured from the property line of the Broadway right-of-way.
- (3) The following shall be prohibited in the Broadway buffer:
 - (a) The erection of any building, accessory building or parking space or portion of any of the foregoing;
 - (b) The removal of any trees having an eight-inch or greater caliper at a height of three feet except pursuant to a permit issued by the Tree Commission upon a finding that the removal of a diseased, rotted or dead tree is necessitated by a danger that the tree otherwise will fall and injure persons or property, or as part of a site development plan approval or waiver granted by the Planning Board;
 - (c) The paving of any portion of land; provided, however, that nothing herein shall prevent the construction of:
 - [1] Any street shown on a subdivision plat; or
 - [2] Any driveway shown on a site development plan, approved by the Planning Board after the effective date of this section, provided the construction of same does not obstruct sight lines to and from the roadway.
- (4) Notwithstanding the provisions of subsections (B)(1), (2), and (3) of this section, the Planning Board may grant special permits for the erection of accessory buildings and the paving of land within the Broadway buffer located on the west side of North Broadway, provided that all of the following conditions are satisfied:
 - (a) Any such accessory building and paving comply with all applicable provisions of this section.

- (b) The proposed development will be done in compliance with Subsection (B)(3)(b) of this section.
- (c) The proposed improvements will be located west of a stone wall parallel to North Broadway and at least six feet high.
- (d) The proposed improvements within the Broadway buffer will not be visible from North Broadway by virtue of the required wall and, where applicable, the slope of the land.
- (e) The sight lines of the roadway will not be obstructed.

Add § 224-51C as follows:

C. Croton Aqueduct buffer.

- (1) For existing lots, no building or part thereof shall be erected nearer than 30 feet to any boundary line of the property on which the Croton Aqueduct is located or such greater distance as may be prescribed by 224-11A. Any additional structures or intrusions into the Croton Aqueduct buffer shall be permitted only by a variance obtained from the Zoning Board of Appeals and conditioned upon the planting of evergreen and deciduous plantings. No variance from the provisions of this section may be granted unless the requirements of § 224-97 are satisfied and, as a condition of such variance, the applicant and his or her successors in interest are required to install and maintain such evergreen and deciduous plantings and landscaping as, in the judgment of the Zoning Board of Appeals, shall be necessary to screen the building or other structure from the view of persons who may use the aqueduct.
- (2) For new lots created by new subdivisions, tear downs, or any development involving a modification of more than 50% of an existing structure subsequent to the enactment of this law, the Croton Aqueduct buffer shall be 50 feet, and shall be measured from the property line of the abutting Aqueduct right-of-way.

Add § 224-55D as follows:

- D. Deck/elevated parking structures, or any variation thereof, are prohibited.